

Notice of Allowability

Application No.

10/644,721

Examiner

David N. Spector

Applicant(s)

ISLAM ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to FAOM/continuation.
2. ☒ The allowed claim(s) is/are 1-46.
3. ☒ The drawings filed on 20 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>#1A, #1B (8/20/03)</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>DETAILED ACTION</u> . |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mohammed N. Islam et al.
Date Filed: August 20, 2003
Title: MICROMECHANICAL OPTICAL SWITCH

MAIL STOP PATENT APPLICATION
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. No representation is made that a search has been made, that these references are material to the patentability of the present application, or that these references qualify as prior art.

Since the present Application is filing after June 30, 2003, a copy of any U.S. Patent and any U.S. Patent Application Publication cited on the attached PTO Form 1449 is not being submitted with this Information Disclosure Statement pursuant to the July 11, 2003 waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office.

Respectfully submitted,
BAKER BOTTS L.L.P.



Kevin J. Meek
Reg. No. 33,738
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Date: August 20, 2003

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. This amendment updates the information provided by applicant regarding related applications which appears at the top of the first page of the instant specification. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Kevin J. Meek on February 25, 2004. Accordingly,

In the Specification

(Page 1, Lines 1-8)

Delete the current heading and text for "cross reference to related applications" appearing at the top of the first page of the instant specification, and replace it with the following:

- - **CROSS REFERENCE TO RELATED APPLICATIONS**

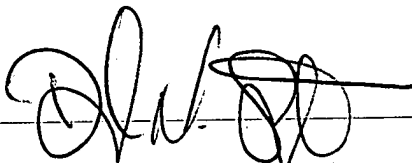
This application is a continuation of Application Serial No. 10/227,055, by Mohammed N. Islam et al., filed August 22, 2002, entitled "Micromechanical Optical Switch", now U.S. Patent No. 6,654,157; which is a divisional of Application Serial No. 10/131,744, by Mohammed N. Islam et al., filed April 22, 2002, entitled "Micromechanical Optical Switch", now U.S. Patent No. 6,611,366; which is a continuation of Application Serial No. 09/631,276, by Mohammed N. Islam et al., filed August 1, 2000, entitled "Micromechanical Optical Switch," now U.S. Patent No. 6,407,851.- -

DETAILED ACTION - ALLOWANCE

2. Claims 1-46 are allowed.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Islam et al. includes optical elements with, *inter alia*, "a fixed layer disposed outwardly from the semiconductor substrate; and a unitary movable mirror assembly disposed outwardly from the fixed layer and forming with the fixed layer a cavity, the moveable mirror assembly operable to move relative to the fixed layer in response to a voltage applied to the moveable mirror assembly to affect a change in an optical characteristic of the cavity" (e.g. as included, *inter alia*, in claims 6, 28, and 40 of the instant application) in a variety of optical communication elements and devices in U.S. Patent No. 6,654,157 and U.S. Patent No. 6,611,366. The aforesaid optical elements are further included by applicant in a variety of optical switching elements and optical routers in U.S. Patent No. 6,407,851. None of the aforesaid patents, recites such elements formed as "a linear array on a single semiconductor substrate", however, as do the present independent claims. Copies of these references are not being furnished with this Office action. (See MPEP § 707.05(a).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. In the event that attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The fax number for the organization where this application is assigned is (703) 872-9306.



February 25, 2004

**DAVID SPECTOR
PRIMARY EXAMINER**